

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BSQUARE CORPORATION,

Plaintiff,

v.

DATA EVOLUTION CORPORATION,

Defendant.

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C.A. No. 05-886-JJF

**STIPULATED AMENDED SCHEDULING ORDER**

WHEREAS, the parties only recently finalized electronic discovery protocols under the District of Delaware Default Electronic Discovery Standards. The parties were surprised by the amount of potentially responsive data then generated under the agreed protocol. The parties estimate that between 200,000-300,000 pages of potentially responsive materials will need to be reviewed and that this review cannot be completed in time for discovery to proceed to conclusion prior to the anticipated cutoff even with accelerated and otherwise unnecessarily expensive efforts by both parties;

WHEREAS, in early September, Plaintiff's counsel withdrew and was replaced by Young Conaway Stargatt & Taylor, LLP located in Wilmington, Delaware, and Summit Law Group, PLLC, located in Seattle, Washington where Plaintiff is based;

WHEREAS, replacement counsel require time to interview witnesses, review background materials, investigate issues and otherwise become informed and up to date on this litigation and replacement counsel have significant trial conflicts within the currently scheduled trial period;

**NOW THEREFORE, IT IS HEREBY STIPULATED**, by and between counsel for the parties and subject to the approval of the Court, that the Order dated March 2, 2006 setting a pretrial conference for February 8, 2007 (D.I. 10) be hereby vacated and the February 28, 2006 Rule 16 Scheduling Order (D.I. 8) be amended as follows:

**4. Discovery.**

(a) Exchange and completion of interrogatories, identification of all fact witnesses and document production shall be commenced so as to be completed by **November 15, 2006**.

(e) Reports from retained experts under Rule 26(a)(2) shall be due from each party by **January 15, 2007** and rebuttal expert reports shall be due by **January 30, 2007**.

**6. Amendment of Pleadings.** All motions to amend the pleadings shall be filed on or before **March 1, 2007**.

**7. Case Dispositive Motions.** Any case dispositive motions, pursuant to the Federal Rules of Civil Procedure shall be served and filed with an opening brief on or before **April 1, 2007**, answering papers on **May 1, 2007**, and reply papers on **May 15, 2007**. No case dispositive motion may be filed more than ten (10) days from the above date without leave of court.

**9. Pretrial Conference and Trial.** After reviewing the parties' Proposed Stipulated Amended Scheduling Order, the Court will schedule a Pretrial Conference. The Court will determine whether the trial date should be scheduled when the Scheduling Order is entered or at the Pretrial Conference. If the scheduling of the trial date is deferred until the Pretrial Conference, the parties and counsel shall anticipate and prepare for a trial to be held with sixty (60) to ninety (90) days of the Pretrial Conference.

Except as specifically revised hereby, the Rule 16 Scheduling Order dated February 28, 2006 shall remain in full force and effect.

DATED: September 15, 2006.

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Attorneys for Plaintiff BSquare Corporation

Attorneys for Defendant Data Evolution Corporation

## ORDER

IT IS SO ORDERED.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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THE HONORABLE JOSEPH J. FARNAN, JR.  
UNITED STATES DISTRICT COURT JUDGE